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Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-02 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06 OES-06

SS-15 PA-02 PRS-01 PM-04 SP-02 L-03 AF-08 ARA-10

EA-09 NEA-10 OIC-02 IO-13 /121 W
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FM AMEMBASSY LONDON
TO SECSTATE WASHDC 5555

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E.O. 11652:N/A
TAGS: PORG, IMCO, EWWT
SUBJ: IMCO LEGAL COMMITTEE: 30TH SESSION

REF: LONDON 14516

1. SUMMARY: THE 30TH SESSION OF THE IMCO LEGAL COMMITTEE WAS UNPRODUCTIVE. END SUMMARY.

2. THE PRINCIPAL AGENDA ITEM WAS CONSIDERATION OF POSSIBLE EXTENSION OF THE 1969 CIVIL LIABILITY AND 1971 FUND CONVENTIONS TO COVER SUBSTANCES OTHER THAN HEAVY OIL. DELEGATIONS MADE A WIDE VARIETY OF PROPOSALS FOR EXTENSION OF THE CONVENTIONS, BUT THERE WAS NO CLEAR CONSENSUS THAT EXTENSION IS DESIRABLE, OR THE FORM THAT EXTENSION SHOULD TAKE. THE AUSTRALIANS TOOK VIEW THAT BOTH CONVENTIONS WERE WEAK AND INEFFECTUAL AND COULD NOT BE SALVAGED THROUGH PROTOCOLS EXTENDINQ THEIR COVERAGE. OTHER DELEGATIONS (INCLUDING JAPAN, UK, NETHERLANDS, SWEDEN) EXPRESSED DOUBT THAT EXTENSION OF CONVENTIONS TO NON-PERSISTENT OILS WOULD BE BENEFICIAL. OTHERS (POLAND, GOR) APPEARED TO SUPPORT A PROTOCOL EXTENDINQ THE CONVENTIONS TO NON-PERSISTENT OILS CARRIED IN BULK. FRENCH DELEGATION (WITH PARTIAL SUPPORT FROM US, CANADA,
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ITALY) PROPOSED A SWEEPING EXTENSION OF BOTH CONVENTIONS

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TO COVER NON-PERSISTENT OILS, TANKER BUNKERS, BUNKERS OF LARGE VESSELS, AND INJURY FROM FIRE AND EXPLOSION ARISING FROM CARRIAGE OF HYDROCARBONS.

3. DISCUSSION OF POSSIBLE EXTENSION OF THE CONVENTIONS WILL BE RESUMED AT THE LEGAL COMMITTEE'S 32ND SESSION IN 1977.

4. COMMENT: THE COMMITTEE'S DISCUSSION DID NOT RESOLVE ANY ISSUES AND RAISED A LARGE NUMBER OF NEW ONES. NO PROPOSAL GAINED WIDE SUPPORT. MANY DELEGATIONS QUESTION THE VALUE OF THE EXISTINQ CONVENTIONS, AND DO NOT SUPPORT THEIR EXTENSION. ACCORDINGLY, THE COMMITTEE MAY NOT BE ABLE TO DEVELOP A GENERALLY ACCEPTED PROTOCOL EXTENDING THE CONVENTIONS IN ANY WAY. END COMMENT.

5. THE LEGAL COMMITTEE ALSO REVIEWED IN DETAIL TWO DOCUMENTS PREPARED BY THE MARINE ENVIRONMENTAL PROTECTION COMMITTEE (MEPC): A CHAPTER ON SALVAGE FOR THE MEPC'S ANTI-POLLUTION MANUAL, AND A DRAFT HANDBOOK ON INTER-VENTION UNDER THE INTERVENTION CONVENTION. THE COMMITTEE CONCLUDED THAT THE SALVAGE MATERIAL NEEDED TO BE REDONE ENTIRELY, AND OFFERED TO ASSIST MEPC IN THE FUTURE IF THE PROJECT WAS CONTINUED. THE COMMITTEE ALSO PREPARED EXTENSIVE AMENDMENTS TO THE INTERVENTION MANUAL TO REMOVE UNWARRENTED OR INACCURATE GLOSSES ON THE CONVENTION FROM THE MEPC'S DRAFT.

6. THE COMMITTEE ALSO DECIDED TO (A) AWAIT A COUNCIL DECISION ON CRITERIA FOR CONSULTATION STATUS BEFORE ACTING ON THE INTERNATIONAL COUNCIL ON ENVIRONMENTAL LAW'S APPLICATION FOR CONSULTATIVE STATUS, (B) TO CONSIDER LEGAL ASPECTS OF THE DRAFT SEARCH AND RESCUE CONVENTION DURINQ THE SPRING OF 1977; AND (C) TO TAKE ACCOUNT OF THE INTERNATIONAL INSTITUTE FOR THE UNIFICATIO OF PRIVATE LAW DRAFT ON LEGAL STATUS OF AIR-CUSHION VEHICLES IN ITS FUTURE WORK ON THE SUBJECT DURING 1977.

6. THE COMMITTEE COMPLETED ITS THIN AGENDA FOR THE 30TH SESSION A DAY EARLY.
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